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6	Attorneys for Complainant	
7		
8	BEFORE THE PHYSICAL THERAPY BOARD DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA	
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10	STATE OF CAL	ITORIUA
11	In the Matter of the Accusation Against:	Case No. 1D 2005 64430
12	YVONNE BUCKMAN, P.T.	ACCUSATION
13	6808 E. DeLeon Street Long Beach, California 90815	ACCUSATION
14		
15	Physical Therapist License No. PT 21726,	
16	Respondent.	
17		
18	Complainant alleges:	
19	<u>PARTIES</u>	
20	1. Steven K. Hartzell (Complainant) brings this Accusation solely in his	
21	official capacity as the Executive Director of the California Physical Therapy Board (Board).	
22	2. On or about August 23, 1996, the Board issued Physical	
23	Therapist License Number PT 21726 to Yvonne Buckman (Respondent). This license was in full	
24	force and effect at all times relevant to the charges brought herein and will expire on July 31,	
25	2006.	
26	<u>JURISDICTION</u>	
27	3. This Accusation is brought before the Board under the authority of the	
28	following laws. All section references are to the Bus	siness and Professions Code unless otherwise

indicated.

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4. Section 495 of the Code states:

"Notwithstanding any other provision of law, any entity authorized to issue a license or certificate pursuant to this code may publicly reprove a licentiate or certificate holder thereof, for any act that would constitute grounds to suspend or revoke a license or certificate. Any proceedings for public reproval, public reproval and suspension, or public reproval and revocation shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code [the Administrative Procedure Act], or in the case of a licensee or certificate holder under the jurisdiction of the State Department of Health Services, in accordance with Section 100171 of the Health and Safety Code."

5. Section 2660 of the Code states:

"The board may, after the conduct of appropriate proceedings under the Administrative Procedure Act, suspend for not more than 12 months, or revoke, or impose probationary conditions upon any license, certificate, or approval issued under this chapter for unprofessional conduct that includes, but is not limited to, one or any combination of the following causes:

- "(d) Conviction of a crime which substantially relates to the qualifications, functions, or duties of a physical therapist or physical therapy assistant. The record of conviction or a certified copy thereof shall be conclusive evidence of that conviction.
 - 6. Section 2661.5 of the Code states:
- "(a) In any order issued in resolution of a disciplinary proceeding before the board, the board may request the administrative law judge to direct any licensee found guilty of unprofessional conduct to pay to the board a sum not to exceed the actual and reasonable costs of the investigation and prosecution of the case.
- "(b) The costs to be assessed shall be fixed by the administrative law judge and shall not in any event be increased by the board. When the board does not adopt a

proposed decision and remands the case to an administrative law judge, the administrative law judge shall not increase the amount of the assessed costs specified in the proposed decision.

- "(c) When the payment directed in an order for payment of costs is not made by the licensee, the board may enforce the order of payment by bringing an action in any appropriate court. This right of enforcement shall be in addition to any other rights the board may have as to any licensee directed to pay costs.
- "(d) In any judicial action for the recovery of costs, proof of the board's decision shall be conclusive proof of the validity of the order of payment and the terms for payment.
- "(e) (1) Except as provided in paragraph (2), the board shall not renew or reinstate the license or approval of any person who has failed to pay all of the costs ordered under this section.
- "(2) Notwithstanding paragraph (1), the board may, in its discretion, conditionally renew or reinstate for a maximum of one year the license or approval of any person who demonstrates financial hardship and who enters into a formal agreement with the board to reimburse the board within that one year period for those unpaid costs."

FIRST CAUSE FOR DISCIPLINE

(Conviction of Crime)

- 7. Respondent is subject to disciplinary action under section 2660(d) [conviction of a crime substantially related to the practice of physical therapy] in that she operated a motor vehicle while under the influence of alcohol. Her unlawful actions resulted in a collision. Her actions constituted a danger to the public and demonstrated her lack of sound judgment. The circumstances are as follows:
- 8. On or about April 10, 2005, officers received a radio call from a California Highway Patrol dispatcher of a complaint of an injury collision involving a possible DUI driver. When officers arrived at the location of the collision, they found Respondent's vehicle stopped and overturned on the asphalt shoulder of the road. Respondent was found trapped in the

9. Officers detected the odor of alcohol on Respondent's breath, and other objective signs of alcohol intoxication. In response to questioning, Respondent stated that she had consumed wine that evening. Respondent was asked to perform a series of pre-explained and demonstrated Field Sobriety Tests. She was unable to perform the tests as demonstrated. The investigation revealed that Respondent was driving a motor vehicle while under the influence of an alcoholic beverage.

- 10. On or about May 5, 2005, a criminal complaint titled *The People of the State of California v. Yvonne Louise Buckman*, Case No. 05CM03481, was filed against Respondent in the Superior Court, County of Orange. Count 1 charged her with violation of Vehicle Code section 23152(a), a misdemeanor, driving under the influence of alcohol or drugs. Count 2 charged her with violation of Vehicle Code section 23152(b), a misdemeanor, driving with blood alcohol .08% or more, by weight, of alcohol in her blood.
- The Court accepted her plea and found her guilty of Count 2. Imposition of a sentence was suspended and she was placed on three-years' informal probation. As a condition of her probation, her driving privileges were restricted for 90 days. In addition, she may not drive a motor vehicle with a measurable amount of alcohol or drugs in her blood, she must submit to a chemical test of blood, breath or urine on demand of any peace officer, she must pay a fine of \$390 plus penalty assessments, she must attend and complete three-month Level 1 First Offender Alcohol Program, and must attend and complete a Mothers Against Drunk Driving's victim's impact panel.
- 12. On or about July 5, 2005, Respondent filed proof of having attended a Mothers Against Drunk Driving Victim's Impact Panel. On or about October 13, 2005, Respondent filed her First Offender Alcohol Program proof of completion.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Physical Therapy Board Department of

1	Consumer Affairs of California issue a decision:	
2	1. Revoking or suspending Physical Therapist License Number PT 21726,	
3	issued to Yvonne Buckman;	
4	2. Ordering Yvonne Buckman, PT to pay the Physical Therapy Board the	
5	reasonable costs of the investigation and enforcement of this case, pursuant to Business and	
6	Professions Code section 2661.3;	
7	3. Taking such other and further action as deemed necessary and proper.	
8	DATED: September 1, 2006.	
9		
10	Original Signed Day	
11	Original Signed By: STEVE HARTZELL Executive Director	
12	Executive Director Physical Therapy Board State of Collifornia	
13	State of California Complainant	
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